

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JOSEPH Y NAPARSTEK, on behalf of himself
and the class defined herein,

Plaintiff

-against-

ANSWER

11-cv-0457(AKH)

ATLANTIC CREDIT & FINANCE, INC.

Defendant
-----X

Defendant Atlantic Credit & Finance, Inc., by its attorney Mel S. Harris and Associates, LLC,
answers plaintiff's complaint as follows:

1. Defendant acknowledges being sued pursuant to the Fair Debt Collections Practices Act ("FDCPA"), but denies any violation thereof. Defendant denies the remaining allegations in paragraph "1" of the complaint.
2. Defendant avers that the FDCPA speaks for itself and further denies the remaining allegations in paragraph "2" of the complaint.
3. Defendant denies each and every allegation contained in paragraph "3" of the complaint.
4. Defendant denies each and every allegation contained in paragraph "4" of the complaint.
5. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "5" of the complaint.
6. Defendant admits to the allegations contained in paragraph "6" of the complaint.
7. Defendant avers that paragraph "7" seeks a legal conclusion to which no response is necessary.
8. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "8" of the complaint.

9. Defendant denies that it sent the letter attached to plaintiff's complaint as Exhibit A, and denies knowledge or information sufficient to form a belief as to each and every other allegation contained in paragraph "9" of the complaint.

10. Defendant avers that Exhibit A, drafted and sent by a non-party, speaks for itself and no response is necessary.

11. Defendant avers that Exhibit A, drafted and sent by a non-party, speaks for itself and no response is necessary.

12. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "12" of the complaint.

13. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "13" of the complaint.

14. Defendant denies each and every allegation contained in paragraph "14" of the complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "15" of the complaint.

16. Defendant hereby repeats the answers to Paragraphs 1-15 of this Answer as the answer to this Paragraph "16" of the Complaint as though fully set forth herein.

17. Defendant denies each and every allegation contained in paragraph "17" of the complaint.

18. Defendant avers that the FDCPA speaks for itself and further denies the remaining allegations in paragraph "18" of the complaint.

19. Defendant denies each and every allegation contained in paragraph "19" of the complaint. Additionally, Defendant did not draft or send the letter attached at Exhibit A.

20. Defendant denies each and every allegation contained in paragraph "20" of the complaint.

21. Defendant denies each and every allegation contained in paragraph "21" of the complaint.

22. Defendant denies each and every allegation contained in paragraph "22" of the complaint.

23. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “23” of the complaint.

24. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “24” of the complaint.

25. Defendant denies knowledge or information sufficient to form a belief as to the amount of alleged class members, and denies each and every allegation other allegation contained in paragraph “25” of the complaint.

26. Defendant denies each and every allegation contained in paragraph “26” of the complaint.

27. Defendant denies each and every allegation contained in paragraph “27” of the complaint.

28. Defendant denies each and every allegation contained in paragraph “28” of the complaint.

29. Defendant denies each and every allegation contained in paragraph “29” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

30. Defendant’s conduct, or lack thereof, did not give rise to the allegations in the complaint. Additionally, defendant did not participate in the drafting or sending of the letter at issue (Plaintiff’s Exhibit A) and had no knowledge of the contents thereof.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

31. The Court lacks personal jurisdiction over the defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

32. Venue is improper and inconvenient as none of the named parties are located in New York.

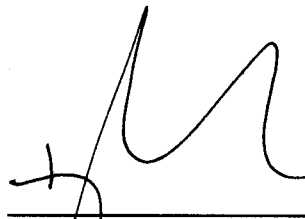
AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

33. Plaintiff fails to state a claim for which relief may be granted.

WHEREFORE, Defendant respectfully prays that this action be dismissed with prejudice in its entirety and that Defendant be awarded its reasonable attorneys’ fees and costs incurred to date in defending this action and for such other and further relief as this Court deems proper.

Dated: New York, NY

February 25, 2011



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